

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ANGEL GARCIA,

Case No. 3:21-cv-00356-MMD-CSD

Plaintiff,

ORDER

v.

J. WEILAND, *et al.*,

Defendants.

Plaintiff Angel Garcia brings this action under 42 U.S.C. § 1983. (ECF No. 7.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 72), recommending that the Court deny Defendants’ motion for summary judgment (ECF No. 50 (“Motion”)).¹ Objections to the R&R were due November 15, 2023. To date, no objection has been filed. For this reason, and as explained below, the Court adopts the R&R in full.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

¹Judge Denney further recommends denying Plaintiff’s counsel’s request, presented in a declaration, to conduct limited discovery before responding to the Motion. (ECF No. 72 at 5-6.) The Court agrees, though this request is rendered moot by the Court’s denial of the Motion.


1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation”).

3 Because there was no objection to the R&R, the Court need not conduct de novo
4 review, and is satisfied that Judge Denney did not clearly err. Judge Denney found
5 genuine issues of material facts preclude summary judgment on Plaintiff’s Eighth
6 Amendment claims alleging excessive use of force and deliberate indifference to serious
7 medical needs, and on Defendants qualified immunity defense. (ECF No. 72 at 9-17.)
8 Having reviewed the Motion and related briefs and the records in this case, the Court
9 agrees with Judge Denney.

10 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
11 No. 72) is accepted and adopted in full.

12 It is further ordered that Defendants’ motion for summary judgment (ECF No. 50)
13 is denied.

14 DATED THIS 20th Day of November 2023.

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17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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